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Financing of the International Residual Mechanism for Criminal Tribunals

Construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch (A/68/724). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification, culminating with written responses received on 20 February 2014. The report of the Secretary-General was submitted pursuant to General Assembly resolution 67/244 B, in which the Assembly requested the Secretary-General to submit a progress report no later than at the first part of its resumed sixty-eighth session.

II. Progress on the project during the reporting period

2. In section II of his report, the Secretary-General provides an update on the progress made since the issuance of his previous report. He indicates, in paragraph 9, that a certified survey map for the allocated land had been produced in November 2013. The Secretary-General also indicates that the agreement between the United Nations and the United Republic of Tanzania concerning the headquarters of the International Residual Mechanism was signed on 26 November 2013. During its consideration of the Secretary-General's proposal, the Advisory Committee was informed that the close cooperation between the United Nations and the Government had culminated in the signing, on 5 February 2014, of a supplementary agreement for the land that had been offered by the Government at no cost to the United Nations.

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3. Upon enquiry, the Advisory Committee was informed that, in addition to the donation of land, the Government would construct an access road connecting the site to the main road, and also provide the necessary infrastructure to connect water and electricity to the site. The Committee was also informed that the Mechanism would be responsible for the capital costs of constructing any internal roads within the site of the new facility up to the point of the property line. Similarly, the Committee was informed that the Mechanism would build electrical pathways and switchgear on the site and cover the costs of connection to the main supply point. Domestic water supply would be handled in the same way. The Committee was further informed that the technical details of other utilities such as gas, sewage and storm water drainage were not yet known and would be determined during the project's design phase. It is expected that those utilities would be provided by the Mechanism itself. The Committee was also informed that all those costs had been fully factored into the project budget.

4. **The Advisory Committee welcomes the continued cooperation between the Mechanism and the Government of the United Republic of Tanzania and trusts that it will be maintained through all phases of the project. Furthermore, the Committee reiterates its appreciation to the Government for its provision of land and the necessary connections to the new facility at no cost to the United Nations (A/67/768, para. 3).**

5. In paragraph 13 of his report (A/68/724), the Secretary-General indicates that a full-time project manager, to be based in Arusha, was hired in April 2013 and would ensure integrated project management, coordination and timeliness of action. He further indicates, in paragraph 18, that the project manager would maintain a preliminary risk register that provides a schedule of risks and their anticipated outcomes.

6. Upon enquiry, the Advisory Committee was informed that the types of project risk identified by the register would be based on nine focus areas (technical; administration; procurement and contracting; resources; governance; host country implementation; stakeholders; safety and security; and other areas) and eleven categories (planning; budget and finance; scope; schedule; legal; site parameters; design; construction; handover; operation and maintenance; and general). The Committee was further informed that the register was based on a qualitative approach that involves scoring risks according to their likelihood and the level of their impact, from low to high. The Committee was also informed that the risks would be quantified after the preparation of the final cost estimates.

7. In paragraph 19 of his report, the Secretary-General indicates that a dedicated procurement officer is being recruited to provide specialized expertise in construction-related procurement and will be based at the Regional Service Centre in Entebbe. Upon enquiry, the Advisory Committee was informed that, in addition to being part of the project team, the Procurement Officer would report to the team leader of the Infrastructure Support Team in the Procurement Division, Department of Management. The Committee was also informed that being based at the Regional Procurement Office, which is located in Entebbe, would allow the Procurement Officer access to Procurement Division systems, contractual templates and other logistical support from the Procurement Division in New York. **The Advisory Committee notes the addition of a dedicated procurement officer to the project team. The Committee trusts that the functional cohesion of the project team,**

which is located in Arusha, will be maintained even with the location of the Procurement Officer at the Regional Procurement Office in Entebbe. In that regard, the Advisory Committee recalls that the Regional Procurement Office was created as a pilot project (A/67/683, paras. 7-13).

8. In paragraph 25 of his report, the Secretary-General indicates that the consultant will be required to submit a design proposal for the new facilities that conforms to the authorized budget and approved timeline. Upon enquiry, the Advisory Committee was informed that preparation of the bid documents and the solicitation process had all been undertaken in close collaboration with the Office of Central Support Services. In so doing, the Committee was informed that the project team had drawn lessons from the experience of the Economic Commission for Africa, where the design drawings for the renovation of Africa Hall had been rejected owing to non-compliance with contract requirements. It was further explained that one of the key lessons learned in that regard was the importance of clearly and thoroughly defining the scope of the project design services, including an explicit list of deliverables, with a schedule. **The Advisory Committee emphasizes the importance of drawing lessons from the experience of other construction projects, especially the need for requisite experience and skills of any consultants engaged as well as proactive measures to mitigate delays. Recalling its earlier comments on the subject, the Committee reiterates that lessons learned should inform the planning and implementation of future major capital projects (A/68/585, para. 69).**

9. In paragraphs 26 and 27 of his report, the Secretary-General reports that two meetings had been held between the Mechanism and the African Court on Human and Peoples' Rights pursuant to General Assembly resolution 67/244 B, in which the Assembly requested the Secretary-General to continue bilateral exchanges with such judicial institutions and to discuss issues of mutual interest, including exploring the possibility of sharing facilities, particularly a courtroom. He indicates that the two institutions were unable to establish concrete areas of cooperation, as the planning process for the construction of a permanent structure to house the African Court was still in its early phases.

10. Upon enquiry, the Advisory Committee was informed that the Mechanism still intended to pursue the possibility of sharing courtroom facilities with the African Court, in addition to ancillary services such as the security officers' gym or the cafeteria. The Committee was also informed that the Registrar of the Mechanism had met with the incoming Registrar of the International Criminal Court to explore possible opportunities for future cooperation with the organization. In addition, the Head of Office of the Registry of the Arusha branch had provided an informal briefing on the Mechanism and its new facilities to the African Union Advisory Board on Corruption, which, in the future, might also be located in Lakilaki, close to the site of the Mechanism.

11. **The Advisory Committee notes the efforts made by the Mechanism to initiate cooperation with other judicial institutions in accordance with General Assembly resolution 67/244 B and encourages the Secretary-General to continue exploring opportunities for further cooperation.**

III. Project schedule

12. In its earlier report of 28 February 2013 (A/67/768, para. 15), the Advisory Committee welcomed the shortening of the project schedule from five years and three months to four years, and encouraged the Secretary-General to continue to explore options for further reducing the duration of the project. Similarly, the General Assembly, in paragraph 13 of its resolution 67/244 B, requested the Secretary-General to make further efforts to shorten the duration of the construction project. In paragraph 30 of his report (A/68/724), the Secretary-General indicates that, after careful review of the project timeline set out in his previous report (A/67/696, para. 48), the Mechanism considered that it was not feasible to further shorten the duration of the project without compromising the quality of the design and construction.

13. In paragraphs 31 and 39 of his report (A/68/724), the Secretary-General indicates that the selection process for the architectural and engineering design consultant is nearly complete but has experienced a delay of approximately two months. He further indicates that the delay will be mitigated by the use of expedited procurement and other proactive measures. Upon request, the Committee was provided with an updated timeline of project activities (see annex). **While noting the assurances that the lost time will be recovered, the Advisory Committee is nonetheless concerned about the delay and stresses that the Mechanism must monitor the project more closely and undertake any measures necessary to mitigate potential risks so as to ensure that it is completed within the overall timeline. Furthermore, the Committee expects that project activities will be undertaken in compliance with established procurement procedures.**

IV. Project expenditures, funding arrangements and anticipated costs

14. In paragraph 35 of his report, the Secretary-General presents the status of actual and projected expenditure for the project as at 31 December 2013. It shows that the projected total expenditure for the project amounts to $8,787,733, of which $168,315 had been spent as at 31 December 2013. The actual expenditure of $168,315 comprises $155,919 being the cost of hiring a project manager, and $12,396 being the cost of travel of staff between New York, The Hague and Arusha to provide technical assistance to the project. The projected expenditure includes a provision for contingency in the amount of $1,050,371, which is calculated at 15 per cent of the construction costs and architect fees. During its consideration of the Secretary-General's proposals, the Advisory Committee was informed that the contingency provision had not yet been utilized. **The Advisory Committee reiterates its expectation that project costs will be met from within approved resources in order to obviate the need for drawdown from contingency provisions (A/67/768, para. 17).**

V. Action to be taken by the General Assembly

15. **The Advisory Committee recommends that the General Assembly take note of the report of the Secretary-General, taking into account its comments and observations in the preceding paragraphs.**

Annex

Updated project timeline for the new facility of the International Residual Mechanism for Criminal Tribunals, Arusha branch

	Work stage	*Duration to complete (calendar days)*	*Start day*	*Finish day*
Stage 1: Preparation	A. Appraisal	21	24/02/2014	17/03/2014
	B. Design brief			
Stage 2: Design	C. Concept	140	18/03/2014	05/08/2014
	D. Design development			
	E. Technical design			
Stage 3: Pre-construction I	F. Production information	28	06/08/2014	03/09/2014
	G. Tender documentation			
Stage 4: Pre-construction II	H. Tender action	127	04/09/2014	10/01/2015
Stage 5: Construction	I. Mobilization			
	J. Construction to substantial completion	354	11/01/2015	Late 2015